



CITY OF SOUTH FULTON
ZONING BOARD OF APPEALS
REGULAR MEETING
THURSDAY, MAY 16, 2019 at 1:00 P.M.

Present: Chair Aaron Johnson, Nicholas Wilson, Geneasa Elias, Vice Chair DeAndre Mathis, Brenda Jenkins,

Absent: None

Meeting Called to Order: Planner II Dana Gray called roll call.

1. NEW BUSINESS

a. Public Hearing for V18-006 at Overlook at Camp Creek Subdivision Phase 1A, V-18-007 at Overlook at Camp Creek Subdivision Phase 2, and V-18-008 at Overlook at Camp Creek Subdivision Phase 1

Senior Planner Keedra Jackson states that applicant Michelle Battle representing Hybrass Overlook LLC seeks a variance to reduce the front yard setback from 35 feet to 20 feet for lot 17 and 73 and the property is zoned R-4 located in District 2 for V18-006. She further states that the related cases are V18-001 and V18-002 phase 1 and 1a. Senior Planner Keedra Jackson reads the two cases together which are V18-007 and V18-008. The applicant is seeking a variance to reduce the front yard setback from 35 feet to 20 feet, and the related cases are V18-001 and V18-002 phase 1 and 1a. This request is necessary to maintain character between phase 1, 1a and phase 2. She concludes that staff has recommended approval for all three.

Chair Aaron Johnson asks the applicant to come forward.

Michelle Battle states that her client acquired the property out of foreclosure and the property had already been platted and homes have already been built. She states that what they know is that there was a hearing at the time of rezoning and there was discussion about the variances which were not approved at that time. She says that it wasn't clear why the homes were built at a setback of 20 feet. Staff said that they cannot allow us to proceed with the 20-foot setback because the zoning ordinance and what was approved did not allow for that setback, and they did not see where a variance allowed for the setback. She further states that staff said they would have to build with a 35-foot setback, however for us, some of the site had topo issues. She states that if we built those homes at 35-foot front yard the rear yards would be too close to the retaining wall. She explains that they could have built a smaller home; however, they chose to build a home that is more marketable and satisfies the expectation of the residents that are already living there. DR Horton has now purchased the subdivision and will be building the homes. She further explains that this site was never developed because there are topo challenges. She states that lot 70 and 73 and the other two lot mentioned at the time were owned by someone else, but DR Horton own them now. She explains that these 4 lots do have drop off, which is why they would like to bring consistency with the variance, and the last 2 lots are owned by the HOA and it connects into Bedford Estates. She explains that the developer installed a right of way and goes up the road to the cul de sac where the steep slopes are being requested. She concludes that they are taking six lots and making them consistent.

Chair Aaron Johnson asks for any questions from the Board.

Board Member Brenda Jenkins asks the applicant for some help with the time line. She asks if her client Hybrass are the current owners.

Michelle Battle states that when they came in last time Hybrass was the owner of this section and DR Horton has now purchased this property.

Board Member Brenda Jenkins asks when Hybrass acquired the property as a foreclosure was this part of Fulton County.

Michelle Battle states that it was Fulton County.

Board Member Brenda Jenkins asks so that's why it was a challenge to find information on the previous cases.

Michelle Battle states that Randy Beck and City of South Fulton both researched extensively to find the reason for the 20-foot setbacks but found nothing on it.

Board Member Brenda Jenkins states that she lives in a DR Horton community with a similar situation with back yard being shorter, so you are they stating that the homes will be sitting on the retaining wall.

Michelle Battle states that building the house at 35-foot setback it would reduce the rear yard.

Board Member Brenda Jenkins asks what the length of the lot is.

Michelle Battle states that she does not have that information now.

Planner II Dana Gray states that lots 70 is 150 feet and lot 73 is 113 feet.

Board Member Brenda Jenkins states these must be some very big houses.

Michelle Battle states that they are big houses and they like to build on a 50 foot by 50-foot concrete pad.

Board Member Geneasa Elias states thank you for the background history and asks how many lots are left that will be built out in this subdivision.

Michelle Battle states that phase 2 will 54 plus the 16 that is already built.

Board Member Geneasa Elias asks how many for this variance.

Michelle Battle states six lots.

Board Member Geneasa Elias states the variance for number 7 where it gives the area of 3.32 acres has 9 lots.

Michelle Battle states those have been approved.

Board Member Geneasa Elias asks if the remaining lots that need to be developed, do anticipate additional variances.

Michelle Battle states no. there are only 2 lots anticipated.

Board Member Geneasa Elias asks if the remaining lots in the subdivision; are those under the CUP zoning.

Michelle Battle states all of them are R-4 except in the cul-de-sac are CUP.

Board member Nicholas Wilson states that he had the same concerns. He asks that they made a similar request before.

Michelle Battle states yes and they will not be back for anymore requests.

Chair Aaron Johnson states that he saw they did a public participation meeting on Old National.

Michelle Battle states yes and they had one person show up. She further states that there was a miscommunication with her staff and they set up the meeting on Old National. She states that they had another meeting on Merk Road at the church, and no one showed up.

Chair Aaron Johnson states that he thought the notice encompasses a circumference.

Planner II Dana Gray states that staff sends out a ¼ mile list around the project.

Michelle Battle states that they try to have it with a mile to 2 miles of the project.

Chair Aaron Johnson states that is something that has to added.

Planner II Dana Gray states that we are creating a list because we have a company that is working on our zoning rewrite and we will inform our director of your request.

Board Member Geneasa Elias states that there should be some central locations for the Public Participation meetings, so your applicant won't be responsible to find a location, which would help them.

Planner II Dana Gray states that in our meetings; they have suggested location that they are familiar with.

Board Member Geneasa Elias makes a motion to approve the variance request V18-006, V18-007, V18-008 per staff's recommendation. seconded by **Board Member Brenda Jenkins**. **The vote to passes unanimously.**

b. Public Hearing for V18-009 at Overlook at Camp Creek Subdivision Phase 2

Planner II Dana Gray states that applicant Michelle Battle representing Hybrass Overlook LLC seeks a relief from step slope regulations from the building code section 4.3k, g and j for lots 2-6. He shows through a slide presentation the site plan and information about the request. The builder has chosen to withdraw lot 2 because they believe they can build per regulations.

Michelle Battle states that this project is a CUP. She states they had many meetings with the city engineer regarding the steep slope and the conclusion is the 3 lots 4, 5, and 6 we would have to push back the grade and put a retaining wall. She states that the other 2 lots they believe they can build and be in compliance with land developments requirements, which is why they no longer have to include these in the variance request. She states the front average grade at street level starts at 870 and rises to 910 feet in the rear of some of the lots for a rise of 10 over 10. She states that they want to even out the slope in the front and place the retaining wall in rear with a rise of 15 behind the retaining wall.

Chair Aaron Johnson asks for any questions.

Board Member Geneasa Elias asks if the applicant can explain staff's recommendation.

Michelle Battle states that they are for 4, 5, and 6 regarding the steep slope subject to staff's conditions. She further states that lot 2, they believe they can build as required.

Planner II Dana Gray states that lot 2 dealt with 40% slope and the applicant withdrew that.

Board Member Geneasa Elias asks is it for section 3.4.g

Planner II Dana Gray states yes.

Michelle Battle states that if you approve this it will be for lots 4, 5, and 6 subjects to the five conditions.

Board Member Nicholas Wilson makes a motion to approve as per staff recommendation. seconded by **Board Member Brenda Jenkins**. **The vote to passes unanimously.**

Michelle Battle states that they will be back for the Bluffs next month.

Board Member Nicholas Wilson makes a motion to close public comment. seconded by **Board Member Geneasa Elias**. **The vote to passes unanimously.**

2. APPROVAL OF THE MINUTES

Board Member Nicholas Wilson makes a motion to approve the minutes. seconded by **Board Member Brenda Jenkins**. **The vote to passes unanimously.**

2. BOARD DISCUSSION

Chair Aaron Johnson gives a welcome to Keedra Jackson. He further states that they would like ample notice from staff, this will help resolve the situation from last month when they received notice of their meeting late. Mr. Johnson suggested two weeks before the meeting and all requests be responded to in a timely manner. He states that this packet they received did not contain the information they have received in past months. He states that if staff is running late to let them know and ideally, we should have a least one staff member present to meet them for any questions.

Senior Planner Keedra Jackson apologizes and states that she is new, and the process will be improved, and she will provide her contact information.

Board member Nicholas Wilson states that some of them would like to have their packets hand delivered.

Planner II Dana Gray asks who would like their packets delivered or emailed.

Board member Nicholas Wilson states he would like his delivered.

Board Member Brenda Jenkins states she would like her delivered as well.

Chair Aaron Johnson suggests that both ways to receive the packet.

Board member Nicholas Wilson states he would like both.

Senior Planner Keedra Jackson asked if code dropped off the packets, and she would be glad to drop them off.

The Board responded by saying yes and does not matter who drops it off.

Board Member Geneasa Elias states its ok to email hers and asks for a copy of the application and any other material that has been added along with your staff analysis.

Board member Nicholas Wilson states that there was a case where we had an environmental question and we didn't have access to it.

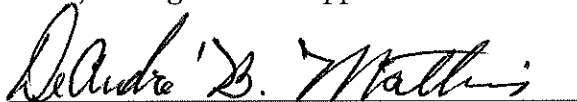
Board Member Geneasa Elias states that if we change our recommendation to the staff report just make sure they get that revision in enough time.

Senior Planner Keedra Jackson states the next meeting date will be April 11, 2019, however we are not sure we will have a quorum because we have one resignation and we do not have a replacement yet.

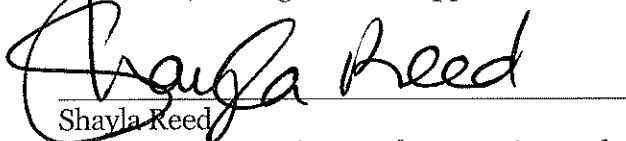
Senior Planner Keedra Jackson asks if everyone can confirm that they will be here for the next meeting.

The board did confirm.

Aaron Johnson
Chair, Zoning Board of Appeals



DeAndre Mathis
Vice Chair, Zoning Board of Appeals



Shayla Reed
Director, Community Development & Regulatory Affairs

